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REQUIREMENTS

- A. Local departments determine which work programs and activities will be offered
- B. Local departments can operate the work programs in-house, contract program operation to the Service Delivery Area or other vendors, or use a combination of both strategies by:
 1. Coordinating with existing local programs
 2. Developing new local initiatives
- C. The Federal Government specifies work activities that count when calculating a state's work participation rate
- D. Local departments have the flexibility to offer work activities that are not countable, but meet the abilities and needs of their customers

WORK ACTIVITIES – FEDERALLY AUTHORIZED CORE ACTIVITIES

- A. Unsubsidized Employment – the individual's wages are not subsidized with governmental funds
 1. Self-employment, Armed Services, and other government employment are included
 2. Tax credits to employers are not considered a subsidy
- B. Subsidized Private Sector Employment – the individual's wages are subsidized with government funds in private-for-profit and private-non-profit employment
 - Includes Grant Diversion, which uses part or all of the TCA grant to reimburse the employer
- C. Subsidized Public Sector Employment – the individual's wages are subsidized with government funds in public employment
 - Includes Grant Diversion
- D. Work Experience – the individual acquires skills and knowledge in public or private work situations
 - The individual is not paid while in a work experience, but may receive a needs-based payment to cover costs of participating in the work experience

Note: Each work experience cannot exceed 90 days for the participant, but the individual may have more than one work experience assignment. The participant is a trainee.

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- E. On-the-Job Training (OJT) – the individual is taught the skills needed to perform the job the individual was hired to do by a private or public employer
1. The individual is paid a wage, considered a training wage
 2. The local department or vendor must enter into a contractual relationship with the employer specifying which funds will be used to reimburse the employer for providing training and supervision
 - Reimbursement to the employer cannot exceed an average of 50% of the training wages
- F. Job Search and Job Readiness Assistance – the individual is given instruction in various strategies to obtain unsubsidized employment
1. Includes interviewing skills, resume writing, telephone techniques, job acquisition strategies, job opening information, workplace expectations, career exploration
 2. May include space and supplies for job searches
 3. Can be a federally countable activity for 240 hours per year, of which only 160 can be consecutive
 4. **Includes treatment for substance abuse**
 - If substance abuse treatment is the work activity, make follow-up appointments every 4 months to assess compliance
- G. Community Service – the individual engages in work that provides a benefit to the public
1. These are not usually paid positions, but the individual may receive a stipend
 2. The individual may find a community service position or be placed by the local department or vendor
- H. Vocational Education – the individual receives instruction in an institutional or work-site setting to upgrade skills
- Can be a federally countable activity for a maximum of 12 months
- I. Child Care Services – the individual provides child care for a community service participant
1. The individual is not paid
 2. If paid, the individual must meet the State’s child care licensing regulations

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FEDERALLY AUTHORIZED WORK ACTIVITIES – OTHER

- A. Secondary Education/GED – the individual is provided instruction by a secondary school or alternate program leading to a diploma or high school equivalency
1. Only allowable for those who do not have a high school diploma or equivalency certificate
 2. Countable activity for teen parent heads of household, regardless of the number of hours participating
- B. Education – the individual receives education directly related to employment
1. Only allowable for those who do not have a high school diploma or equivalency certificate
 2. Teen parent heads of households can be countable participants when this is the sole activity
 - All others must also be in a federally authorized core activity for this activity to be countable
- Example: The 19 year old parent without a diploma is a countable participant if the only activity is secretarial school.
- The 20 year old parent without a diploma would need to be in a core activity, such as community service or work experience, to have secretarial school also count toward the federal participation rate.
3. State allows this activity for up to 12 months

Note: Adult and teen parent participants in Vocational Education plus teen parent participants in Education and Secondary Education programs cannot exceed 20% of the total number of participants in all activities for all of the participants in these educational activities to be countable. If the number exceeds 20%, only 20% of the participants are countable

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- C. Jobs Skills Training – the individual receives training at an institutional or work setting to upgrade skills and information needed for a specific job
1. Must be directly related to employment
 2. Countable activity only if the individual is also in a core activity
 3. May include higher education:

Note: Make child care subsidies available while an individual attends higher education if the individual is:

- Employed or in a work activity for at least 20 hours per week
- In a course of study that leads directly to a job documented in the Independence Plan
- In a course that will last 2 years or less, and
- Maintaining at least a “C” average

PARTICIPATION REQUIREMENTS

- A. The State eliminated the requirement that individuals participate in work activities a specific number of hours per week
1. This provides more flexibility for local departments
 2. Appropriate and acceptable activities that meet the needs of the individual family’s independence plan may not fall into the countable work activity participation standard

Note: Eliminating the weekly hours requirement gives case managers greater flexibility to meet their responsibility to help families move to independence as quickly as possible.

- B. Local departments may require up to 40 hours per week of participation
- C. The Federal Government set standards for an individual to be a countable work activity participant
1. Only adults and teen parent heads of household can be countable participants
 2. Teen parents are countable regardless of the number of hours if they are in Secondary Education/GED or Education

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3. All single adults and teen parents in other activities must participate at least:
 - 20 hours per week if a single parent with a child under age 6
 - 25 hours per week in Federal Fiscal Year 1999
 - 30 hours per week in Federal Fiscal Year 2000 and beyond

Note: The first 20 hours must be in a core activity
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4. Households with 2 able-bodied parents must participate at least:
 - 35 hours per week with 30 in a core activity, or
 - 55 hours per week with 50 in a core activity if using federally funded child care

TRAINEES VS EMPLOYEES

- A. An individual, who is considered an employee, rather than a trainee, must be paid in accordance with the minimum wage provisions of the Fair Labor Standards Act (FLSA).
- B. An individual is a trainee when:
 - The training, although at a work site, is similar to that available in a vocational school
 - The training is primarily for the benefit of the trainee
 - The employer receives no immediate advantage from the trainee's activities
 - No regular employees are displaced
 - There is no promise of a job at the end of the training
 - The employer and trainee understand that no wages are paid while in training, although a stipend may be given to offset the trainee's expenses
- C. Trainees may not be in an internship or trainee program for more than 90 days
- D. If the individual is an employee and minimum wage rules apply, the amount of the TCA and Food Stamp benefits counts toward meeting the minimum wage requirement

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WORK ACTIVITY LIABILITY

- A. Individuals placed in work activities are covered by the State Workers' Compensation Statute
 1. When the individual is receiving a grant rather than wages, Worker's Compensation does not apply because the grant is unaffected
 2. Individuals in vendor sponsored programs are considered state employees for compensation purposes only
- B. Individuals placed in work activities are covered by the State Worker's Compensation Statute for medical insurance through the Medical Assistance program
- C. The Compensation Statute does not protect against civil suits. The vendor's liability insurance should provide protection if the individual was not negligent
- D. The individual may be held responsible if negligent or acting outside the direction of the vendor

EXAMPLES

- Example 1. Madeline Maine receives TCA for herself and her 4-year-old daughter. She is assisted by the local department to find child care
- When Ms. Maine has child care, the local department may require her to be in an activity for up to 40 hours per week, depending on local department policies
 - Ms. Maine can be denied for refusing the assignment during the application process, even though it exceeds the federal requirements
 - If she complies, she will be a countable participant for federal purposes because she is participating at least 20 hours per week and is a single parent with a child under age 6

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Example 2. Nancy Nebraska begins a trainee work experience position. After 60 days she is offered a part-time (20 hours per week) unsubsidized job with the company, which she accepts. Ms. Nebraska remains eligible for a \$25 grant. She wants to take computer courses at the local community college, which are given at night, to increase her job skills. The case manager agrees that this is a good plan and it is incorporated into her Independence Plan.

- Ms. Nebraska's case became State-Funded when she became employed, thus stopping the time limit clock
- Ms. Nebraska is eligible to receive child care services while she is in night school since this is an agreed upon work activity

Example 3. Cora Colorado has a 5-year-old and a 7-year-old. She has started and stopped many jobs and work training programs, but has not been able to maintain consistent attendance and has been sanctioned several times. The school is concerned because both children do not attend regularly. The family has been working with Social Services. The case manager and Ms. Colorado agree that her current Independence Plan needs to be centered on activities that will improve the children's school attendance and her ability to become a productive employee. Activities agreed upon include regular appointments with the social worker and volunteering in the school.

- Ms. Colorado is compliant if she follows the Independence Plan even though she is not a federally countable participant
- The Independence Plan is reviewed at each recertification to determine if the activities in the plan are still appropriate or if other activities should be initiated
- The local department has the authority to customize work activities that are outside those set by the Federal government

Example 4. The family consists of Mr. and Mrs. Vermont and their children, Frank, who is 16 and a high school dropout, and Frieda, age 12. Mr. and Mrs. Vermont and Frank are all in work activities for 32 hours a week. Mr. Vermont is in an On-the-Job Training position, Mrs. Vermont is in Work Experience, and Frank is in Vocational Education as a welder's apprentice.

- Mr. and Mrs. Vermont are federally countable participants
- Frank is complying with the work requirement, but is not a countable participant because he is not a teen parent head of household

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Example 5. Ms. Nashua applied for assistance for herself and 3 children when her marriage ended. She is currently attending college to become a registered nurse and maintains a B average. She will receive her degree and certification in 18 months. Ms. Nashua volunteers in her children's school 5 hours per week. She has 30 hours per week of on-the-job training practicum as part of the course work for her nursing degree. If she has to be in another work activity, she cannot stay in the nursing program.

- The case manager may approve this plan based on local department policies
- If the local department accepts Ms. Nashua's nursing program as an allowable work activity, the work activities are 5 hours of community service for volunteering in her children's school and 30 hours of vocational education for her on-the-job practicum.
- Ms. Nashua is eligible for child care subsidies while she is in school since she is in a work activity (community service and vocational education) for at least 20 hours per week, the course leads to a job, it will last less than 2 years and she has at least a "C" average

Example 6. Mrs. Nottingham receives TCA for herself and 5 children, ranging in age from 5 months – 6 years. She is expecting another child in 7 months. the oldest child is in school. Mrs. Nottingham is helped by local department to find child care for the other children. One center cannot take them all, but spaces are available if they go to 3 different locations.

- Mrs. Nottingham has previously used her exemption to care for a child under the age of one year
- Since child care is available, the local department can require Mrs. Nottingham to participate in work activities until the new baby arrives. At the time she is excused until the baby is 12 weeks old or later, depending on local policies.
- Since getting the children to child care is time consuming because she has to go to three locations, the local department may elect to reduce the number of hours in the work activity until different child care arrangement can be made

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Example 7. Ms. Raymond receives TCA for herself and 2 children. She has been sanctioned twice for failure to comply with work activities. When faced with sanctioning again, Ms. Raymond states that she does have a substance abuse problem and is willing to get help.

- The local department helps Ms. Raymond find an out-patient treatment program
- This program will qualify as her work activity
- The case is evaluated every 4 months to determine that she is still in treatment

Example 8. Ms. Michaels applies for TCA for herself and her 2-year-old daughter. Testing reveals that Ms. Michaels needs remedial education to be able to obtain most jobs.

- Ms. Michaels is placed in a program that offers remedial education for half a day and a combination of job skills and community service for the other half.

ADDITIONAL INFORMATION

- Work and Education – Basic Requirements
- Application – Substance Abuse